

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JAMES EDWARD POTTS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION H-05-1860
	§	
GARY L. JOHNSON,	§	
	§	
Defendant.	§	

**MEMORANDUM ON DISMISSAL**

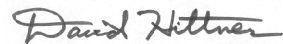
The plaintiff in the above-styled cause has not responded to this court's order of June 3, 2005, which required the plaintiff to submit within thirty (30) days a more definite statement of the facts on which his complaint is based. The court's order specifically provided that "(f)ailure to comply as directed may result in the dismissal of this action." The plaintiff's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b) & (e) (3d ed. 1998). The plaintiff is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Fed. R. Civ. P. 60(b). *See Link*, 370 U.S. at 635.

Accordingly, it is hereby ORDERED that this action be DISMISSED without prejudice for want of prosecution.

The Clerk shall provide copies to the parties; Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas 78711; and the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax 936-293-4197.

SIGNED at Houston, Texas, on this 27<sup>th</sup> day of July, 2005.



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DAVID HITTNER

United States District Judge